

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

MOLECULAR PROBES, INC.,

Defendant.

ENZO BIOCHEM, INC., *et al.*,

Plaintiffs,

-v-

PERKINELMER, INC., *et al.*,

Defendants.

ROCHE DIAGNOSTICS GMBH, *et al.*,

Plaintiffs,

-v-

ENZO BIOCHEM, INC., *et al.*,

Defendants.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6-1-15

No. 03-cv-3816 (RJS)
ORDER

No. 03-cv-3817 (RJS)
ORDER

No. 04-cv-4046 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

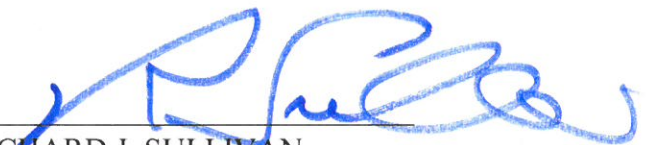
The Court is in receipt of a sealed letter from Greenberg Traurig LLP ("GT") in connection with the charging lien dispute in the above-captioned matters, dated May 21, 2015, requesting that: (1) the entire record be unsealed at this time; (2) the Court schedule a pre-motion conference with

respect to the disposition of the settlement proceeds in the closed *MPI* and *PerkinElmer* actions and any potential future payments in connection with the pending *Roche* action; and (3) the Court schedule a global settlement conference concerning the charging lien dispute. GT represents in its letter that “[e]ven though the parties have not been able to reach a settlement, GT nevertheless believes that the Court could be helpful in bringing the parties to a global resolution” and that “GT is ready to appear for a settlement conference.” The Court is also in receipt of a sealed¹ letter from Enzo Biochem, Inc. and Enzo Life Sciences, Inc. (“Enzo”), dated May 26, 2015, setting forth its opposition to GT’s first two requests but joining in GT’s request for a settlement conference with the Court’s participation. In its letter, Enzo represents that “Enzo has attempted to settle with GT, and believes that may not be possible without the Court’s participation,” and that “[c]ounsel for Enzo, including Michael Dell, are available for a settlement conference and to discuss the other matters raised by GT’s letter.”

Accordingly, IT IS HEREBY ORDERED THAT the parties and their counsel, including Mr. Burrows and Mr. Dell, shall appear before the Court on Wednesday, June 10, 2015 at 10:00 a.m. in Courtroom 905 of the Thurgood Marshall United States District Court for the Southern District of New York, 40 Foley Square, New York, New York, to discuss all issues identified above.

SO ORDERED.

DATED: June 1, 2015
New York, New York


 RICHARD J. SULLIVAN
 UNITED STATES DISTRICT JUDGE

¹ In light of the prejudice concerns identified in the Court’s March 18, 2014 Order (Doc. No. 159, *Roche Diagnostics GmbH, et al. v. Enzo Biochem, Inc., et al.*, No. 04-cv-4046 (RJS)), the Court finds that, at least for the time being, the presumption of open records has been overcome and will permit the letters to remain under seal, with no publicly docketed redacted versions available at this time. However, as the Court has previously noted, the Court will direct the parties to address – as early as next week’s settlement conference – whether the various documents should remain under seal and will likely unseal most or all of the record related to GT’s motions as the charging lien dispute progresses.